

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF CALIFORNIA

In the Matter of the Accusation of  
WILLIAM S. DAVIS, M.D.  
Respondent.

No. D-561

• DECISION

The above-entitled matter came on regularly for hearing on October 19, 1960, at Sacramento, California, before the Board of Medical Examiners, Hearing Officer Malcolm R. Peattie presiding. The respondent was present but was not represented by counsel. The Board of Medical Examiners of the State of California was represented by Wilbur B. Thayer, Deputy Attorney General. Oral and documentary evidence was presented, the hearing was closed and the matter submitted. After due consideration the Board of Medical Examiners makes the following findings of fact:

I

John J. Rouse has been and now is a Senior Special Investigator for the Board of Medical Examiners of the State of California and made the accusation herein in his official capacity as such and not otherwise.

II

The respondent was issued a physician and surgeon's certificate on August 7, 1953, by the Board of Medical Examiners authorizing him to practice medicine and surgery in this State at all times mentioned herein.

III

Over a period of fifteen months in 1959 and 1960 in the instances described in paragraph III of the accusation, respondent

EXHIBIT A

wrote and issued prescriptions for morphine and dilaudid. Said narcotics and prescriptions were not solely for the persons named in the prescriptions but all or a portion of said narcotics were actually for, secured, and used by the respondent for his wife. As a result of said acts and conduct respondent was convicted on May 12, 1960, in the Tehama County Superior Court on his plea of guilty to three counts of having willfully and unlawfully obtained dilaudid by fraud, deceit, misrepresentation and subterfuge in violation of Health and Safety Code section 11170(1)(a). Said conviction was of an offense involving moral turpitude and amounted to a felony and was a conviction of a violation of the statutes of California regulating narcotics. As a result of said conviction respondent was placed upon probation for four years and fined \$1,000.

#### IV

From a period of time commencing November 11, 1959, through January 4, 1960, respondent prescribed and furnished narcotics to his wife, an habitual user, who respondent knew used narcotics to the extent of being addicted thereto, without reporting said furnishing in the manner required by law to the California Bureau of Narcotics.

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Pursuant to the foregoing findings of fact, the Board of Medical Examiners makes the following determination of issues:

#### I

Cause for disciplinary action against respondent's certificate as a physician and surgeon was established under Business and Professions Code sections 2383, 2384, and 2391.5, the latter section in relation to Health and Safety Code sections 11165, 11170, 11170(1)(a), and 11425.

\* \* \* \* \*

WHEREFORE, the following order is hereby made:

1. The respondent's license as a physician and surgeon in the State of California is revoked; provided, however, that said order of revocation is stayed for three (3) years

and respondent is placed on probation to the Board of Medical Examiners of the State of California upon the following terms and conditions:

(a) The period of probation herein shall be for three (3) years.

(b) Respondent shall not possess or apply for a Federal narcotics stamp without the permission of the Board of Medical Examiners.

(c) Respondent shall not administer narcotics, hypnotics, or dangerous drugs to himself or narcotics to any other person without the written prescription of a physician and surgeon, dentist, or chiroprapist.

(d) Respondent shall report to the office of the Board of Medical Examiners in each calendar quarter by affidavit concerning his compliance with this order of revocation and shall report in person to the Board in its annual October meeting in Sacramento.


(e) Respondent shall obey all laws of the United States of America, the State of California and its political subdivisions relating to the practice of medicine or otherwise, and the regulations of the Board of Medical Examiners.

(f) The terms and conditions of the order of probation made by the Superior Court in and for the County of Tehama in the matter entitled "The People of the State of California v. William S. Davis, M.D., Defendant, No. 1443" as they now exist or may be hereafter modified shall, during the period of the probation imposed herein, be deemed a part of this order of probation for all purposes as if set out herein in full, and any breach of the terms of probation imposed by the court may be deemed a breach of the terms of this order of probation.

2. Upon full compliance with the terms and conditions herein set forth and upon expiration of the term of probation, said license shall be restored to its full privileges free and clear of the terms of probation herein imposed, provided, however, that in the event respondent violates or fails to comply with any of the terms or conditions of this order during said period of probation, the Board, upon receipt by it of satisfactory evidence thereof, may forthwith terminate said probation, cancel and revoke said stay of execution and direct that the order of revocation herein made shall become immediately effective, or make such other order modifying or changing the terms of probation herein as it deems just and reasonable in its discretion.

3. This order shall be effective immediately.

BOARD OF MEDICAL EXAMINERS

  
LOUIS E. JONES, M.D.  
Secretary-Treasurer

DATED: February 14 1961